



The Honorable Michael J. Copps

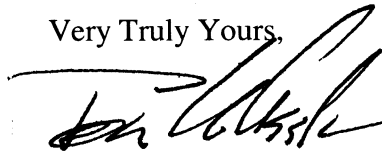
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The present 2 GHz MSS service rules do not permit terrestrial use. What several of the MSS licensees seek from the Commission – the authority to provide terrestrial services in spectrum that was obtained for free and was exempt from auction due to the satellite nature of the service – is at odds with the letter and spirit of Section 309(j) of the Communications Act, as well as the Commission's own decision in the Northpoint proceeding. Any spectrum made available for commercial terrestrial services *must* be auctioned pursuant to Section 309(j) of the Communications Act. A decision by the Commission to give MSS licensees the ability to provide terrestrial services would not only violate the statute, it would be inconsistent with the Commission's overarching goal of ensuring that spectrum is put to its highest and best use. The result would be a morass of legal proceedings, and a guarantee that this spectrum would either lie fallow or be inefficiently used for years to come.

CTIA urges the Commission to conclude that the far better course to fulfill its obligation to manage the radio spectrum effectively is to reallocate spectrum of non-viable MSS licensees to other uses. The Commission's role should not be to protect the viability of one competitor or industry segment, but rather to serve the broader public interest.

Very Truly Yours,

A handwritten signature in black ink, appearing to read "Tom Wheeler", with a stylized flourish extending from the end.

Thomas E. Wheeler

cc: Marlene Dortch